



UNITED STATES ENVIRONMENTAL PROTECTION A

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
<http://www.epa.gov/region08>

SDMS Document ID



2009267

JUL 27 2005

Ref: 8ENF-RC

**NOTICE OF POTENTIAL LIABILITY FOR REMOVAL ACTION
URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

Scott V. Williams
Vice President and Asst. General Counsel
La Quinta Inns
909 Hidden Ridge, Suite 600
Irving, TX 75038

Re: Vermiculite Intermountain Site (08-GA)
Salt Lake City, Utah

Dear Mr. Williams:

This letter confirms notification of potential liability, as defined by section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9607 (a), as amended (CERCLA), that you may have incurred with respect to the Vermiculite Intermountain site, located in Salt Lake City, Utah ("Site"). Prior oral notification of potential liability was given to each party during conference calls in April and May of this year.

NOTICE OF POTENTIAL LIABILITY

The United States Environmental Protection Agency (EPA) has documented the release or threatened release of hazardous substances, pollutants, or contaminants at the Site. EPA has spent public funds on actions to investigate and control such releases or threatened releases at the Site. Unless EPA reaches an agreement under which a potentially responsible party (PRP) or parties will properly perform and/or finance the remaining response actions, EPA may perform these actions pursuant to Section 104 of CERCLA.

Under Section 106(a) and 107(a) of CERCLA, 42 U.S.C. Sections 9606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6973 (RCRA), and other laws, PRPs may be obligated to implement response actions deemed necessary by EPA to protect health, welfare or the environment, and may be liable for all costs incurred by the government in responding to any release or threatened release at the Site. Such actions and costs may include, but are not limited to, expenditures for investigations, planning, response, oversight, and enforcement activities. In addition, PRPs may be liable for damages to natural



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resources. EPA has previously entered into an administrative order on consent pursuant to Section 106(a) of CERCLA to PacifiCorp (CERCLA 08-2004-0017, dated 8/11/04) which required PacifiCorp to perform cleanup activities on its property. The majority of work under that Order has been completed.

EPA has evaluated information in connection with the investigation of the Site. Based on this information, EPA believes that you may be a PRP with respect to this Site. PRPs under CERCLA include current and former owners and operators of the Site as well as persons who arranged for disposal or treatment of hazardous substances sent to the Site, or persons who accepted hazardous substances for transport to the Site. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you to perform or finance those response activities that EPA determines are necessary at the Site.

In accordance with CERCLA and other authorities, EPA already has undertaken certain actions and incurred certain costs in response to conditions at the Site. These response actions include removal site evaluation and investigation activities, as well as cleanup actions. EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

DECISION NOT TO USE SPECIAL NOTICE

Under CERCLA Section 122(e), EPA has the discretionary authority to invoke special notice procedures to formally negotiate the terms of an agreement between EPA and PRPs to conduct and/or finance response activities. Use of these special notice procedures triggers a moratorium on certain EPA activities at the Site while formal negotiations between EPA and the PRPs are conducted.

In this case, EPA has decided not to invoke the Section 122(e) special notice procedures. It is EPA's policy not to use the special notice procedures for removals unless there is a 6-month planning lead time after the decision to respond and prior to the initiation of the action. Since the planning lead time prior to the initiation of this response action is less than 6 months, special notice procedures will not be used.

DEMAND FOR PAYMENT

With this letter, EPA demands that you reimburse EPA for its costs incurred to date. In accordance with CERCLA, EPA already has undertaken certain actions and incurred certain costs in response to conditions at the Site. These response actions include assessment, investigation, and removal activities at the Site. The costs incurred at the Site through May 31, 2005 are approximately \$2,340,234.95. In accordance with Section 107(a) of CERCLA, demand is hereby made for payment of the above amount plus any and all interest recoverable under Section 107 or under any other provisions of law. You are potentially liable for additional costs that have been incurred by EPA at the Site, but are not yet reflected in EPA's accounting systems, and costs for any EPA conducted additional activities at the Site, plus interest.

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), EPA must establish an administrative record that contains documents that form the basis of EPA's decision on the selection of a response action for a Site. The administrative record files, which contain the documents related to the response action selected for this Site, is currently available to the public for inspection at the EPA Region 8 office at the following address:

EPA Region 8 - Superfund Records Center
999 18th Street, 5th floor
Denver, CO 80202

And is also available at the:

Salt Lake City Library
210 East 400 South
Salt Lake City, UT 84111-2804
Attn: Anne Menzies


PRP RESPONSE AND EPA CONTACT

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as final EPA positions on any matter set forth herein. Your response to this notice letter should be sent to:

U.S. Environmental Protection Agency
Matthew Cohn, Senior Enforcement Attorney, 8ENF-L
Office of Enforcement, Compliance and Environmental Justice
999 18th Street, Suite 500
Denver, CO 80202

If you or your attorney have any questions pertaining to this matter, please direct them to Matthew Cohn, 303-312-6853.

Sincerely,

for 
Carol Rushin, Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

cc: Robin Main, Esq.
Holland & Knight
One Financial Plaza
Providence, RI 02903

Matthew Cohn, ENF-L
Kelcey Land, ENF-RC
Joyce Ackerman, EPR-PAER



Concurrence

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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*Key
ENF-RC
7/21/05*

*Janet
7-21-05*

*Calvin
ENF-6
7/21/05*

*8ENFRC
Kercher
7/25/05*



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Office of Enforcement, Compliance and Environmental Justice
999 18th Street, Suite 500
Denver, CO 80202

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Sincerely,

SIGNED -

Carol Rushin, Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

cc: Robin Main, Esq.
Holland & Knight
One Financial Plaza
Providence, RI 02903

Matthew Cohn, ENF-L
Kelcey Land, ENF-RC
Joyce Ackerman, EPR-PAER

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Scott V. Williams
V.P. & Asst. General Counsel
La Quinta Inns
909 Hidden Ridge, Suite 600
Irving, TX 75038

EMPRC H JUL 29 2005

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *PK Welch* ☐ Agent ☐ Addressee

B. Received by (Printed Name)

PK Welch

C. Date of Delivery

8/1

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

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PS Form 3811, February 2004

Domestic Return Receipt

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For delivery information visit our website at www.usps.com	
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City, State, ZIP+4 Irving, TX 75038	
PS Form 3800, Jan 2002 See Reverse for Instructions	